

The Senate returned to their chamber.

On motion of Mr. Parker, the committee on Printing was instructed to contract for the printing of two thousand copies of the message for the use of the Senate.

On motion of Mr. Davis, the Senate adjourned.

THURSDAY, 9 o'clock, A. M., December 27, 1849.

The Senate was called to order by the President. Senators present: Messrs. Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Parker, Phillips, Portis, Taylor, Truit, Ward, Walker and Wallace.

Prayer by the Chaplain. The journals of the preceding day were read and adopted.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported a bill to provide for the permanent location of the seat of justice for Cass county correctly enrolled.

Mr. Grimes, chairman of the committee on Finance, made the following report:

AUSTIN, December 26, 1849.

Hon. JOHN A. GREER,

President of the Senate:

The committee on Finance, to whom was referred the petition of the citizens of Houston county praying for the relief of Jacob Albright, assessor and collector of taxes of the said county of Houston, have fully and thoroughly examined the subject, and submit to the consideration of the Senate the evidences in a condensed form upon which the petition is based; this petition is subscribed with one hundred and eighty-two names, representing themselves to be citizens of Houston county, and is supported by affidavits and certificates as follows:

1st. The affidavit of Jacob Albright, testifying that on the night of the 4th January, 1849, he was robbed of the public monies collected, by virtue of his office, to the amount of one thousand dollars and upwards, according to the best estimates he could make from the assessment-rolls referred to.

2. The certificate of James C. Dupree, signed officially as Justice of the Peace, sets forth that he is acquainted with the house of Jacob Albright, and that he considered him sufficiently

well provided for the safe-keeping of the public monies until the robbery took place; he further states, that Allbright made great efforts to detect the robbers and bring them to justice.

3. The certificate of Allbright sets forth that he had paid to S. A. Miller fifty dollars, and to W. H. Estill forty dollars as counsel, and had incurred about fifteen dollars of other expenses in prosecuting persons implicated by the confession of Francis Johnson, one of the robbers.

4. The affidavit of John Leach, who testified that he was called by Jacob Allbright, on the morning of the 5th January last, by the time it was clear day light, where he was on the road leading to Crocket, and about a quarter of a mile from the town of Alabama; on asking what was the matter, Allbright told him that he was robbed not only of all the money he had, but of his reputation—the money was one thousand dollars or upwards; that he had struck the track of the robbers and would follow them to their den or home if it cost him his life. Witness and Allbright proceeded together on the track until they came opposite the house of J. C. Dupree, Esq., where they stopped for breakfast, and to make preparation for an extensive search; after raising a company, the search was continued until they captured one Lynch, who, it was believed, was one of the robbers.

5. The confession of Francis Johnson, whose statement is made on oath before John Long, Chief Justice of Houston county, and is as follows: "On the night of the 4th of January, A. D. 1849, Josephus S. Moore, A. B. Harden and myself met, according to a previous arrangement, on hurricane bayou near old Josephus Moore's; from that place we proceeded in company to Alabama, in Houston county, and about three or four o'clock, A. M., we went to the house of Jacob Allbright. Josephus S. Moore and A. B. Harden stationed themselves at the door as look-outs or watchers; I entered the house and took from under the bed in which, I supposed, Allbright was sleeping, a trunk which, I had reason to believe, contained the money which Allbright had in his possession as assessor and collector; I carried the trunk about one hundred and fifty or two hundred yards, where it was broken into, according to the best of my recollection, by A. B. Harden, a considerable quantity of money was found in the trunk, which was divided between A. B. Harden and Josephus S. Moore, by each putting a portion in their pockets. We then left Alabama and started toward Crocket, and after coming through Mustang Prairie, we started in direction of Josephus Moore's on hurricane bayou; when we got within three miles of Josephus Moore's, we separated, Harden and Josephus S.

Moore going in the direction of old Josephus Moore's and I went home. We were to divide the plunder hereafter. From the time of my capture to this time every thing is well known to my captors ; all the above took place in Houston county, State of Texas."

(Signed)

his
FRANCIS X JOHNSON.
mark

January the 7th, 1849.

WITNESS: W. E. LONG.

Here the written testimony before your committee was disconnected, and appeared ambiguous and would have been unsatisfactory, but for the verbal statements of Senator Parker, who residing in the county, was acquainted with the circumstances ; from him, your committee learn that Johnson was arrested under circumstances, inducing a belief that he was concerned in the robbery ; that he made the foregoing confession, and the night following, escaped from his guards, and has not yet been retaken. There being no other evidence against the persons implicated in his confession, they are going at large unmolested.

6. The certificate of John Long that Albright paid W. H. Estill forty dollars as a fee for aiding in the prosecution of the persons implicated in the confession of Francis Johnson.

7. The receipt of S. A. Miller, attorney at law, for \$50, his fee, for prosecuting the persons implicated as above.

8. The certificate of Cyrus H. Randolph, sheriff of Houston county, that he has been acquainted with Albright for eleven years, and has found him to be correct in his dealings as an individual and as a public officer ; he is acquainted somewhat with the circumstances of the robbery, and believes that Albright used great exertions to recover the money and convict the robbers, and that he has the sympathy of the community generally.

This statement has received the concurrent signatures of J. M. Hall, clerk of the District Court, and J. H. Gillespie, clerk of the County Court ; also, the certificate of J. T. Heflen, a Justice of the Peace, to the above import. All this evidence to the same import does not leave a doubt on the minds of your committee as to the robbery having taken place. The only thing, in the opinion of your committee, to be taken under consideration is the propriety of establishing a precedent that might hereafter be abused to the injury of the revenues of the State.

Your committee, believing this to be a case of more than ordinary merit, submit the accompanying joint resolution for the consideration of the Senate. JESSE GRIMES, Chairman.

Joint resolution for the relief of Jacob Allbright; read first time.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill for the relief of the citizens of Peters' colony, reported the same back, with the following amendments, and recommended their adoption and the passage of the bill.

Amendment 1st: Insert after the word "Governor" in the first line of the 2d section the following: "by and with the advice and consent of the Senate."

Amendment 2d: Add the following proviso to the 5th section "Provided said boundaries do not contain a greater quantity of land than such settlers may be entitled to under this law."

Amendment 3d: Add in the 4th line, section 9, the word "this" after the word "with."

Amendment 4th: Strike out all after the word "drawn" in 8th line, section 11, and insert the following: "payable to the State of Texas and shall be conditioned that said commissioner shall faithfully and impartially discharge the duties imposed on him by this act and shall, also, take the oath required by the constitution which oath shall be endorsed on said bond, and with the same shall be deposited in the office of the Secretary of State."

Mr. Portis introduced a bill for the relief of Washington Sequest; read first time.

On motion of Mr. Portis, the rule was suspended—bill read second time and referred to the committee on Private Land Claims.

Mr. Phillips introduced a bill to enforce and carry out the judgments and decrees of the courts of the State, and to provide for the issuance of certificates and patents in certain cases; read first time.

Mr. Parker introduced a bill to amend the first section of an act to create the county of Anderson, approved March 24, 1846; read first time.

ORDERS OF THE DAY.

A bill for the relief of the heirs of William H. Malone; read second time and ordered to be engrossed.

A bill to authorize the Commissioner of the General Land Office to issue a head-right certificate to Guy M. Bryan; read second time, and, on motion of Mr. Pease, referred to the committee on Private Land Claims.

A bill for the relief of the heirs of James Ury, deceased; read second time, and, on motion of Mr. Ward, referred to the committee on Private Land Claims.

A bill to provide for incorporating charitable benevolent and scientific companies or societies; read second time, and, on motion of Mr. Wallace, referred to the committee on the Judiciary.

A bill to quiet the land titles of those claiming lands under patents issued by the Republic of Texas, by the State of Texas, and titles issued to colonists, settlers, or citizens before the act of the late consultation closing the Land Office in November, 1835, under the colonization laws of the Government of Mexico and the State of Coahuila and Texas as head-rights of families and to single men, when the title issued for one league and labor of land or less; read and referred, on motion of Mr. Gage, to a Select committee of five.

Messrs. Gage, Wallace, Latimer, Pease and Portis were appointed said committee.

On motion of Mr. Latimer, a bill making an appropriation to defray the expense incurred in publishing the proposed amendment to the constitution was taken up; read third time and passed.

A bill for the relief of Mercer's colony was read.

Mr. Gage moved to lay the bill on the table; lost.

The bill was then passed by the following vote:

Yeas: Messrs. Burleson, Grimes, Hart, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Taylor, Truit, Ward, Walker and Wallace—15.

Nays: Mr. Gage—1.

A bill, relative to the proof of the statute and common law of the States and territories of the United States; read second time, and, on motion of Mr. Wallace, referred to the committee on the Judiciary.

A bill to quiet land titles issued to colonists, previous to Nov., 1835, in the colonies of Austin, De Witt and De Leon; read second time, and, on motion of Mr. Parker, referred to the committee on the Judiciary.

A joint resolution for the relief of the citizens of Jasper county, together with the report of the committee on Finance, was read, and, on motion of Mr. McRae, laid on the table.

On motion of Mr. Wallace, the Senate adjourned.

FRIDAY, 9 o'clock, A. M., Dec. 28, 1849.

The Senate was called to order by the President *pro tem.*—
Senators present: Messrs. Brashear, Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Phillips, Portis, Taylor, Tru-